IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.21862-M of 2007
Date of Decision:- 28.05.2007

Kaptan ....Petitioner(s)

through
Mr.R.S.Ahuja, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner who is a life convict under Section 302 IPC has been denied release on furlough on the ground that some untoward incident may take place in the village due to party faction.

In the written statement also, the respondents have taken somewhat similar stand.

The release of a prisoner on furlough is governed by Section 4 read with Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. It is only on the basis of his satisfactory behaviour that a convict can be released on furlough.

Normally, if a convict's behaviour while in jail is to the satisfaction of the authorities, there appears to be no reason to apprehend that his release on furlough would lead to some untoward incident.

That apart, various remedial measures can be taken by the

Authorities to ensure that there is no breach of peace in the village. The petitioner can be asked to furnish not only his personal bonds but also of some respectables of the village. He can also be required to report to the Police Station concerned intermittently. As there appears to be no misuse of concession of parole in the past by the petitioner, his case for release on furlough requires re-consideration by the Authorities.

Consequently, this petition is allowed to the extent that the impugned order dated 22.1.2007 is set aside and the respondents are directed to get the facts re-verified and thereafter pass an appropriate order in accordance with law, within a period of two months from the date of receipt of certified copy of this order.

May 28, 2007 **(SURYA KANT)**
poonam **JUDGE**